

U.S. Application Serial No: 10/791,320
Response to Restriction Requirement dated November 16, 2004
In Response to Office Action dated October 19, 2004

Group II. Claims 23–34, directed to catalysts, classified in class 502; and

Group III. Claims 40–42, directed to process of asymmetric reactions wherein the product is not identified (not classifiable).

In response to the Restriction Requirement, Applicant elects for further prosecution the claims of **Group I**, claims 1, 8–9, 11–16 directed to compounds having formula C'.

This election is made with traverse.

Applicant traverses the Restriction Requirement between the claims of Group I (directed to compounds having formula C', which are all ligands), the claims of Group II (directed to catalysts prepared from these ligands) and Group III (directed to process of asymmetric reactions using the catalysts) because they include a single ligand structure, C', which is common to all three groups.

The claims of Group I are drawn to a ligand, the claims of Group II are drawn to a catalyst that employs the ligands of Group I, and the claims of Group III are drawn to a method which uses the catalysts of Group II which, in turn, employ the ligands of Group I.

A search directed to a ligand will necessarily provide information regarding the catalysts that employ that ligand and a search directed to the catalyst will necessarily provide information regarding the use of that catalysts in the synthesis of various products. Thus, no “burdensome” separate searches would be necessary to search for Groups I, II and III.

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Because the claims of Group I, Group II and Group III include **a single ligand structure**, C', which is common structure to all three groups, Groups I, II and III clearly are part of a single inventive concept.

Accordingly, the claims of Group I, Group II and Group III should be rejoined.

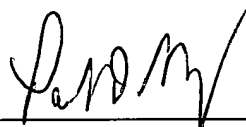
In view of the foregoing, Applicant respectfully requests that the claims of Groups I, II and III be rejoined and this application be examined in its entirety as a single invention, which defines ligands represented by a single ligand structure C', catalysts that employ these ligands and methods that use these catalysts.

Applicant respectfully requests reconsideration and rejoining of the Restricted Groups in the examination of this application.

Respectfully submitted,

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